

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**In re: Valsartan, Losartan, and Irbesartan
Products Liability Litigation**

MDL No. 2875

This document relates to:

Case No: -CV-

Plaintiff 1: RANDY L. WARFEL,
INDIVIDUALLY AND AS

EXECUTOR OF THE ESTATE OF
Plaintiff 2: PAMELA V. FRYER

Honorable Robert B. Kugler,
District Court Judge

Honorable Joel Schneider,
Magistrate Judge

Plaintiff 3:

Plaintiff 4:

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in Plaintiffs' Master Personal Injury Complaints for Valsartan (ECF No. 122), Losartan (ECF No. 682), and Irbesartan (ECF No. 683), MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, 13, 13B, and 19 of this Court.

In addition to those causes of action contained in Plaintiffs' Master Long Form Complaints as referenced above, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

I. IDENTIFICATION OF PLAINTIFF(S)

1. Name of individual who alleges injury due to use of a valsartan, losartan, and/or irbesartan-containing drug:

RANDY L. WARFEL, INDIVIDUALLY

Plaintiff 1:

RANDY L. WARFEL, AS

Plaintiff 2: EXECUTOR OF THE ESTATE OF PAMELA V.
FRYER

Plaintiff 3:

Plaintiff 4:

2. This claim is being brought on behalf of

Myself

Someone else

- a. If I checked, "someone else", this claim is being brought on behalf of:

Pamela V. Fryer

- b. My relationship to the person in 2(a) is:

Surviving Spouse and Executor of her Estate

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium:

Randy L. Warfel

4. County and state of residence of Plaintiff or place of death of Decedent:

County: Sussex

State: DE

5. If a survival and/or wrongful death claim is asserted:

- a. Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

Name of the Individual(s)	Status
Randy L. Warfel	Surviving Spouse/Executor

II. IDENTIFICATION OF DEFENDANTS

1. Plaintiff brings these claims as a result of developing injuries as a result of taking the following medications:

	Medication(s) Taken (Check all that apply)
<input checked="" type="checkbox"/>	Valsartan-Containing Drugs (VCDs)
<input type="checkbox"/>	Losartan-Contain Drugs (LCDs)
<input type="checkbox"/>	Irbesartan-Containing Drugs (ICDs)

2. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Valsartan:

(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input checked="" type="checkbox"/>	API Manufacturer	Aurobindo Pharma, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer Parent Corporation	Hetero Drugs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Hetero Labs, Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer	Mylan Laboratories Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer Parent Corporation	Mylan N.V.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	John Doe	N/A

ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	Arrow Pharm (Malta) Ltd.	Foreign
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	Aurolife Pharma, LLC	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Hetero Labs, Ltd.	Foreign
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	Mylan Pharmaceuticals Inc.	WV
<input type="checkbox"/>	Finished Dose Manufacturer	Teva Pharmaceutical Industries, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Torrent Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

iii. Repackagers, Labelers, and Distributors

	Defendant Role	Defendant Name	HQ States
<input checked="" type="checkbox"/>	Labeler/ Distributor	Aceteris, LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Actavis, LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Actavis Pharma, Inc.	NJ
<input type="checkbox"/>	Rerepackager	A-S Medication Solutions, LLC*	NE
<input checked="" type="checkbox"/>	Finished Product Distributor	Aurobindo Pharma USA, Inc.	NJ
<input type="checkbox"/>	Rerepackager	AvKARE, Inc.	TN
<input type="checkbox"/>	Rerepackager	Bryant Ranch Prepack, Inc.*	PA
<input type="checkbox"/>	Labeler/Distributor	Camber Pharmaceuticals, Inc.	NJ
<input type="checkbox"/>	Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals	Cardinal Health, Inc.*	OH

<input type="checkbox"/>	Rerepackager	The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals*	MI
<input type="checkbox"/>	Rerepackager	H J Harkins Co., Inc.	CA
<input type="checkbox"/>	API Distributor	Huahai U.S. Inc.	NJ
<input type="checkbox"/>	Rerepackager	Northwind Pharmaceuticals*	IN
<input type="checkbox"/>	Rerepackager	NuCare Pharmaceuticals, Inc.*	CA
<input type="checkbox"/>	Rerepackager	Preferred Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	Rerepackager	RemedyRepack, Inc.	PA
<input type="checkbox"/>	Finished Dose Distributor	Solco Healthcare U.S., LLC	NJ
<input checked="" type="checkbox"/>	Finished Dose Distributor	Teva Pharmaceuticals USA, Inc.	PA
<input type="checkbox"/>	Finished Dose Distributor	Torrent Pharma, Inc.	NJ
<input type="checkbox"/>	Labeler/Distributor/Rerepackager	John Doe	N/A

iv. Wholesaler Defendants

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Wholesaler	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	Wholesaler	Cardinal Health, Inc.	OH
<input type="checkbox"/>	Wholesaler	McKesson Corporation	TX
<input checked="" type="checkbox"/>	Wholesaler	John Doe	N/A

v. Pharmacies

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Pharmacy	Albertsons Companies, LLC	ID
<input checked="" type="checkbox"/>	Pharmacy	CVS Pharmacy, Inc.	RI
<input type="checkbox"/>	Pharmacy	Express Scripts, Inc.	MO
<input type="checkbox"/>	Pharmacy	Humana Pharmacy, Inc.	KY
<input type="checkbox"/>	Pharmacy	OptumRx	CA
<input type="checkbox"/>	Pharmacy	Rite Aid Corp.	PA
<input type="checkbox"/>	Pharmacy	Walgreens Boots Alliance	IL
<input type="checkbox"/>	Pharmacy	Wal-Mart, Inc.	AR
<input type="checkbox"/>	Pharmacy	John Doe	N/A

vi. FDA Liaisons

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	FDA Liaison	Hetero USA, Inc.	NJ
<input type="checkbox"/>	FDA Liaison	Prinston Pharmaceutical Inc.	NJ
<input checked="" type="checkbox"/>	FDA Liaison	John Doe	N/A

3. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Losartan.

(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	API Manufacturer Parent Corporation	Hetero Drugs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	John Doe	N/A

ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Macleods Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Macleods Pharma USA, Inc.	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Sandoz, Inc.	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Teva Pharmaceutical Industries, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Torrent Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Vivimed Life Sciences Pvt. Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

iii. Repackagers, Labelers, and Distributors

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Distributor	Actavis, LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Actavis Pharma, Inc.	NJ
<input type="checkbox"/>	Rpackager	AvKARE, Inc.	TN
<input type="checkbox"/>	Labeler/Distributor	Camber Pharmaceuticals, Inc.	NJ
<input type="checkbox"/>	Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals	Cardinal Health, Inc.*	OH
<input type="checkbox"/>	Rpackager	Golden State Medical Supply, Inc. (GSMS)	CA
<input type="checkbox"/>	Rpackager	The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals	MI
<input type="checkbox"/>	Rpackager	Heritage Pharmaceuticals, Inc. d/b/a Avet Pharmaceuticals	NJ
<input type="checkbox"/>	Rpackager	H J Harkins Co., Inc. d/b/a PharmaPac	CA
<input type="checkbox"/>	API Distributor	Huahai U.S. Inc.	NJ
<input type="checkbox"/>	Rpackager	Legacy Pharmaceutical Packaging, LLC	MO
<input type="checkbox"/>	Rpackager	Major Pharmaceuticals	MI
<input type="checkbox"/>	Rpackager	Preferred Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	Rpackager	RemedyRepack, Inc.	PA
<input type="checkbox"/>	Finished Dose Distributor	Solco Healthcare U.S., LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Teva Pharmaceuticals USA, Inc.	PA
<input type="checkbox"/>	Finished Dose Distributor	Torrent Pharma, Inc.	NJ
<input type="checkbox"/>	Labeler/Distributor/Rpackager	John Doe	N/A

iv. Wholesaler Defendants

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Wholesaler	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	Wholesaler	Cardinal Health, Inc.	OH
<input type="checkbox"/>	Wholesaler	McKesson Corporation	TX
<input type="checkbox"/>	Wholesaler	John Doe	N/A

v. Pharmacies

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Pharmacy	Albertsons Companies, LLC	ID
<input type="checkbox"/>	Pharmacy	CVS Pharmacy, Inc.	RI
<input type="checkbox"/>	Pharmacy	Express Scripts, Inc.	MO
<input type="checkbox"/>	Pharmacy	Humana Pharmacy, Inc.	KY
<input type="checkbox"/>	Pharmacy	OptumRx	CA
<input type="checkbox"/>	Pharmacy	Rite Aid Corp.	PA
<input type="checkbox"/>	Pharmacy	Walgreens Boots Alliance	IL
<input type="checkbox"/>	Pharmacy	Wal-Mart, Inc.	AR
<input type="checkbox"/>	Pharmacy	John Doe	N/A

vi. FDA Liaisons

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	FDA Liaison	Hetero USA, Inc.	NJ
<input type="checkbox"/>	FDA Liaison	Prinston Pharmaceutical Inc.	NJ
<input type="checkbox"/>	FDA Liaison	John Doe	N/A

4. Plaintiff(s) bring claims against the following Defendants related to his or her ingestion of Irbesartan.

(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	API Manufacturer	Aurobindo Pharma, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	John Doe	N/A

ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Manufacturer	Aurolife Pharma, LLC	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	ScieGen Pharmaceuticals, Inc., U.S.	NY
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

iii. Repackagers, Labelers, and Distributors

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Rerepackager	Golden State Medical Supply, Inc. (GSMS)	CA
<input type="checkbox"/>	Finished Dose Distributor	Westminster Pharmaceuticals	TN
<input type="checkbox"/>	Labeler/Distributor/Rerepackager	John Doe	N/A

iv. Wholesaler Defendants

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Wholesaler	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	Wholesaler	Cardinal Health, Inc.	OH
<input type="checkbox"/>	Wholesaler	McKesson Corporation	TX
<input type="checkbox"/>	Wholesaler	John Doe	N/A

v. Pharmacies

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Pharmacy	Albertsons Companies, LLC	ID
<input type="checkbox"/>	Pharmacy	CVS Pharmacy, Inc.	RI
<input type="checkbox"/>	Pharmacy	Express Scripts, Inc.	MO
<input type="checkbox"/>	Pharmacy	Humana Pharmacy, Inc.	KY
<input type="checkbox"/>	Pharmacy	OptumRx	CA
<input type="checkbox"/>	Pharmacy	Rite Aid Corp.	PA
<input type="checkbox"/>	Pharmacy	Walgreens Boots Alliance	IL
<input type="checkbox"/>	Pharmacy	Wal-Mart, Inc.	AR
<input type="checkbox"/>	Pharmacy	John Doe	N/A

vi. FDA Liaisons

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	FDA Liaison	Prinston Pharmaceutical Inc.	NJ
<input type="checkbox"/>	FDA Liaison	John Doe	N/A

III. JURISDICTION AND VENUE**7. Jurisdiction is based on:**

- Diversity of Citizenship
 Other as set forth below:

- 8. Venue:** District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing Order entered by this Court: _____ District of DE _____

IV. PLAINTIFF'S INJURIES**9. Injuries:** Plaintiff was diagnosed with the following type of cancer:

<input type="checkbox"/>	Liver	<input type="checkbox"/>	Kidney
<input type="checkbox"/>	Stomach	<input type="checkbox"/>	Colorectal
<input checked="" type="checkbox"/>	Pancreatic	<input type="checkbox"/>	Esophageal
<input type="checkbox"/>	Small Intestine	<input type="checkbox"/>	Other:

CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- Count I: Strict Liability – Manufacturing Defect
- Count II: Strict Liability – Failure to Warn
- Count III: Strict Liability – Design Defect
- Count IV: Negligence
- Count V: Negligence Per Se
- Count VI: Breach of Express Warranty
- Count VII: Breach of Implied Warranty
- Count VIII: Fraud
- Count IX: Negligent Misrepresentation
- Count X: Breach of Consumer Protection Statutes of the state(s) of:
Del. Code Ann. tit. 6, § 2511, et seq., § 2531, et seq.

- Count XI: Wrongful Death
- Count XII: Survival Action
- Count XIII: Loss of Consortium
- Count XIV: Punitive Damages
- Other State Law Causes of Action as Follows:

12. Fraud Count: Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here:

13. Express Warranty Count: Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here:

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

Defendant	Grounds

Defendant	Grounds

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

March 27, 2024

Date

Roopal Luhana

/s/

Roopal Luhana, Esq.

Attorney Name

Chaffin Luhana LLP

Attorney Firm

600 Third Avenue, 12th Floor

Attorney Address Line 1

New York, NY 10016

Attorney Address Line 2

888-480-1123

Telephone

888-499-1123

Fax

luhana@chaffinluhana.com

Email

Counsel for Plaintiffs